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Yoshiharu Shimada

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

VANDERHORST, MARIA VICTORIA

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,418	Applicant(s) SHIMADA, YOSHIHARU	
	Examiner M. VICTORIA VANDERHORST	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/09/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,9-12,14-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9-12,14-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to application 10/824,418, filed on 02/09/2009.

Claims 1-2, 6-7, 9-12, 14-17, and 19-22 are currently pending and have been examined.

Claims 1, 9, 14 and 19 have been amended.

Claims 3-5, 8, 13, 18 and 23 have been cancelled.

Claims 1-2, 6-7, 9-12, 14-17, and 19-22 have been rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-7, 9-12, 14-17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,985,879 (Walker).

As to claim 1, Walker discloses a visiting customer management system including a storage medium carried by a customer (Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5:49-67, Col 6:1-55, Col. 8:4-15.

Art Unit: 3688

Further Walker discloses that the customer device of his invention has a storage medium. Col 8:16-29], in which at least customer identification information is stored (Col. 3:29-40), and a first detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop (Col. 3:34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5: 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5:19-38. Furthermore, Walker adds, "Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: 26-46) comprising:

a customer information storage device in which at least the customer identification information and a group to which said customer belongs are stored in advance (Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, "upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that

Art Unit: 3688

contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...”, Col. 3 : 29-40. Further, Col 5: 4-18);

a visiting-customer information storage device in which customer identification information detected by said first detector is stored in association with a detection time at which the customer identification information is obtained (Walker’s system comprises “one or more seller devices 112 communicate with one or more customer devices 116 via a network 114”, Col. 4: 51-57, Fig. 1A. Further, a customer provides an identifier at a point of sale (detection time), Col. 3:29-40. Furthermore, Walker refers to the conditions that the group must satisfy to earn a reward such as “during a specific time” or times during which purchases must be made by one or more customers, Col. 3: 62-67, Col. 4: 1-5); and

a terminal that includes a second detector which detects customer identification information (Walker’s system comprises, “one or more seller devices 112 communicate with one or more customer devices 116 via a network 114”, Col. 4: 51-57. Further, his system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , “the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server”, Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26_), wherein,

when the second detector detects customer identification information, customer identification information for another customer who belongs to a same group as said customer is read from said customer information storage device, and if the customer identification information for said another customer is stored in said visiting-customer information storage device, and if the difference between a detection time at which the customer identification information is detected by the first detector and a detection time at which the customer identification information for said another customer is detected by the first detector falls within a predetermined period of time (Walker discloses , "...a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases...", Col. 3:17-28) . The Examiner notes that is inherent that depending of the " program conditions or rules" the host computer can not only detect that a member belongs to a particular group but also that the members are present at the same transaction period of time to process the reward, (Fig. 7A).

said customer is recognized to have come with another member of the group and a reward is given to said customer (Walker discloses a "shopping team" program, more than one customer is a team. In a team all the members belong to the same group. Also a group or team may be integrated by two members, a customer and a

Art Unit: 3688

visiting customer, "...frequent shopper program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions. The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers...", Col. 2: 45-55.

In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server", Col. 3: 34-40.

Next, regarding to conditions the group must satisfy to get the reward Walker states "a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)", Col. 3: 61-67, Col. 4:1-26.

Finally, Walker teaches that the reward may be a one time reward, "the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ", Col. 4: 41-45).

But Walker does not directly disclose a customer that is recognized to have come with another member of the group and a reward is given to said customer.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would perceive an increase in profits, customer loyalty and satisfaction.

As to claim 2, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said storage medium is a radio-frequency identification (RFID) tag (Walker discloses in Figs. 1A and 1B a system comprising a seller device, a

Art Unit: 3688

customer device and a network or a plurality of them. In Col. 6: 40-45, Walker discloses that the customer and seller devices can communicate over radio frequency (RF). The customer device, of his invention may comprise a radio frequency transceiver, Col. 8:16-29. Also the seller device of his invention may comprise a radio frequency transceiver, Col. 9:35-50).

As to claim 6, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said second terminal is a point-of-sales (POS) terminal (Fig. 1A, the seller device, may comprise a point-of-sale terminal, Col. 5:19-38).

As to claim 7 and 8, Walker teaches a system according to claim 1 above, and Walker further discloses a host computer (Walker's system comprises a controller (host computer) operated on or in behalf of a retailer that has implemented a group reward program. Further, Walker's controller stores (obtains) data from seller device and customer device, such information is useful to correlate data in a group reward program, Col. 6: 56-67, Col. 7: 1-43, Fig. 1B), wherein:

when said second detector detects customer identification information, said terminal reads customer identification information for another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said host computer of the read customer identification information (Walker's system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other

Art Unit: 3688

point of sale terminal may recognize another customer that belongs to the same group ,“the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server” , Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26_); and

when the customer identification information for another customer who belongs to the same group as said customer is stored in said visiting-customer information storage device, and the difference between a detection time at which the customer identification information on said customer is detected and a detection time at which the customer identification information said another customer is detected falls within a predetermined period of time, said host computer judges that said customer has come with another member of the group (Walker teaches that his system can combine different approaches and rules or conditions to grant rewards, Col. 3: 61-67, Col. 4:1-26. Some of those rules may be the number of customers present at the time of the automatic reward redemption which is initiated when the point-of-sale receives a frequent-shopper-identifier, Figs. 7A, 7B and 7C, Col. 14:41-67, Col. 15:1-48 . Then, the system verifies if the shopper is a member of a group and it retrieves rewards rules for the group, Fig. 7A.

Furthermore, Walker's system stores in a database customized reward rules for each group, such as “two customers, the customer and the visiting customer, must be present with a lapse of time of 5 minutes at the point of sale to grant a reward”, Fig. 5, Col. 11:35-67, Col. 12: 1- 18).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer not only to store information but to relate data of all the members of a group, generating satisfaction to the merchant and the customer.

As to claim 9, Walker teaches a visiting customer management system including a storage medium carried by a customer, in which at least customer

Art Unit: 3688

identification information is stored, and a first detector that detects in a non-contact manner the information stored in said storage medium and that is arranged in a shop (Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5: 49-67, Col 6:1-55, Col. 8: 4-15.

Further Walker discloses that the customer device of his invention has a storage medium. Col. 8: 16-29. Further, his system has a customer identifier, Col. 3: 29-40.

Furthermore, Walker discloses that his devices inter-network between them, communicating (detecting) and storing information, Col. 3:34-53 and Fig. 1A and Fig. 1B , Col. 5: 4-18, Col. 5:19-38.

Furthermore, Walker adds, "Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: 26-46), comprising:

a customer information storage device in which the customer identification information and a group to which said customer belongs are stored in advance (Walker

Art Unit: 3688

discloses a seller device that in one of its embodiments registers one or more customers for a group reward, “upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...”, Col. 3 : 29-40, Col 5: 4-18₁); and

a terminal including a second_detector that detects customer identification information, wherein:

said second_detector detects the customer identification information on said customer (Walker’s system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group ,“the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server”, Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26); and then

said first detector obtains customer identification information on other customers that are present in said shop; and

if customer identification information on another member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on the other customers that are present in said shop_a reward is given to said customer_(Walker discloses a “shopping team” program, “...a frequent shopper

Art Unit: 3688

program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions. The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers...", Col. 2: 45-55.

In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "...the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server...", Col. 3: 34-40. Next, regarding to conditions the group must satisfy to get the reward Walker states "a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)", Col. 3: 61-67, Col. 4:1-26.

Finally, Walker teaches that the reward may be a one time reward, "the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ", Col. 4: 41-45 1.

But Walker does not directly disclose a customer that is recognized to have come with another member of the group.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would monitor a customer that refers a plurality of customers. This generates a sense of system trustworthiness between the parties and customer satisfaction since more customers' referral implies more rewards for the customer.

As to claim 10, see the discussion of claims 9 and 2.

As to claim 11, see the discussion of claims 9 and 6.

As to claim 12, Walker teaches a system according to claim 9 above, and Walker further discloses a first detector that is arranged so that it can simultaneously detect the pieces of customer identification information on all the customers that are present in said shop (Walker's system comprises one or more seller devices that can communicate with one or more customer devices over a network. Fig. 1A, Col. 4: 51-57. Further Col. 3: 29-40).

As to claim 14, Walker discloses a system according to claim 9 above, further Walker discloses a host computer, wherein:

when said second detector detects the customer identification information on said customer, said terminal notifies said host computer of the detected customer identification information (Walker's system comprises a controller such as a store server that is in communication with one or more point-of-sale terminals, Col. 7: 5-43);

said host computer obtains customer identification information on another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said terminal of the customer identification information on another customer (Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller device, Col. 5:16-17, which may communicates (detects) with one or more customers devices, Col 6: 40-45); and

if one of pieces of customer identification information for other customers that are present in said shop corresponds to the customer identification information for said another member who belongs to the same group as said customer, said terminal judges that said customer has come with another member of the group (Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, Col. 3: 34-40, Col. 3: 61-67, Col. 4:1-26_).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group or a plurality of members of the group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, Pierre **Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer to relate data of a first and second customer and all the plurality of customers that are visiting the store or establishment with said first and second customer. This generates satisfaction and a sense of system reliability.

As to claim 19, Walker discloses a system according to claim 9 above, further Walker discloses comprising a host computer (controller, Fig. 1B, Col. 6:56-67, Col 7: 5-43),

wherein said host computer is notified of the detected customer identification information by said second detector and the detected pieces of customer identification information on the other customers that are present in said shop by said first detector (Col. 2: 45-55, Col. 3: 34-40, Col. 3: 61-67, Col. 4:1-26, Col. 4: 41-45); and

if customer identification information on another member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on the other customers that are present in said shop, (Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "...In order to become eligible to receive the reward, a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A

Art Unit: 3688

condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases..." , _Col. 3: 34-40). The Examiner notes that is inherent that depending of the " program conditions or rules" the host computer can not only detect that a member belongs to a particular group but also that the members are present at the same transaction period of time to process the reward, (Fig. 7A).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group or a plurality of members of the group to which he/she belongs and notifies said terminal of the result of the judgment.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, Pierre **Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Art Unit: 3688

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer to relate data of a first and second customer and all the plurality of customers that are visiting the store or establishment with said first and second customer. This generates satisfaction and a sense of system reliability.

As to claim 15 and 20, see the discussion of claims 14, 19 and 2.

As to claim 16 and 21, see the discussion of claims 14, 19 and 6.

As to claim 17 and 22, see the discussion of claim 14, 19 and 12.

Response to Arguments

3. Applicant's arguments filed on 02/09/2009 have been fully considered but they are not persuasive.

4. The rejection of the claims 7 and 8, under 35 USC 112, has been withdrawn because the applicant has canceled claim 8.

Art Unit: 3688

5. Applicant argue that "Walker is about providing group rewards where it is assumed at the time that shopping takes place that the customers are in a group as they are allowed preregister or "register as a group" (see Walker col. 2, lines 45-54). In contrast, the invention of claim 1 is designed to determine if a customer is in a same group as another customer. To do this, a time difference between detection by a first detector of a customer based on customer identification information and the detection by the first detector of another customer is determined. This time difference is compared to a predetermined period and if it falls within that period, the second customer is another member of the group". The Examiner respectfully disagrees with the argument from the Applicants because First of all, Walker discloses a system that based on the time and recognizing that the member belongs to a group, provides rewards to a group. The recognition is through an identifier. Hence, in Walker the group must satisfy conditions during a specific time, frame of times or periods. For example having purchases made by one or more customers during a specific time limitation. In Walker's it is established that depending of the conditions or rules of the award, the host computer can not only detect that a member belongs to a particular group but also that the members are present at the same transaction period of time to process the reward solution (Col. 3:17-28, Col. 3: 61-67, Col. 4:1-26, Figs. 7A, 7B and 7C, Col. 14:41-67, Col. 15:1-48).

Secondly, per specifications, field of the invention, the Applicant states his invention has the purpose of sales promotion that utilizes a reward point card through a

Art Unit: 3688

system that manages visiting customers. Walker's reference predates Applicant's invention and it is directed toward group rewards.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular business hours Monday through Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571 272 6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/M. V./
Examiner, Art Unit 3688

/Raquel Alvarez/

Application/Control Number: 10/824,418

Page 22

Art Unit: 3688

Primary Examiner, Art Unit 3688